

Government of the District of Columbia
Office of the Chief Financial Officer



Jeffrey S. DeWitt
Chief Financial Officer

MEMORANDUM

TO: The Honorable Phil Mendelson
Chairman, Council of the District of Columbia

FROM: Jeffrey S. DeWitt
Chief Financial Officer 

DATE: April 30, 2018

SUBJECT: Fiscal Impact Statement – Student Fair Access to School Amendment Act of 2018

REFERENCE: Bill 22-594, proposed Amendment in the Nature of a Substitute circulated April 30, 2018

This updated FIS reflects changes to the Bill incorporated in the Engrossed Original and in the Amendment in the Nature of a Substitute circulated April 30, 2018.

Conclusion

Funds are not sufficient in the fiscal year 2018 and proposed fiscal year 2019 through fiscal year 2022 budget and financial plan to implement the bill. The bill will cost approximately \$3.3 million in fiscal year 2019 and \$30.4 million over the budget and financial plan.

Background

The bill sets¹ new guidelines for school climate and discipline policies in D.C. Public Schools (DCPS) and Public Charter Schools, with an emphasis on limiting exclusionary discipline such as out-of-school suspensions. Below we outline the provisions of the Bill.

Changes to Disciplinary Policies

The Bill requires DCPS and Public Charter Schools to develop disciplinary policies that foster positive school climates, adopt a corrective approach to school discipline, and avoid policies requiring automatic suspension or disciplinary unenrollment for particular behaviors unless otherwise required by law.

¹ By amending Title II of the Attendance Accountability Amendment Act of 2013, effective September 19, 2013 (D.C. Law 20-17; D.C. Official Code § 38-235 et seq.).

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Limiting the Use and Duration of Out-of-School Suspensions

The Bill limits the use of out-of-school suspensions in several ways. First, it limits the reasons a school can use out-of-school suspension to the following:

- For grades K-8, beginning in school year 2019-2020, out-of-school suspensions are prohibited except in cases where the student has willfully caused, attempted to cause, or threatened bodily injury or emotional distress to another person; and
- For grades 9-12, beginning in school year 2020-2021, out-of-school-suspensions are prohibited for the following actions: violating the dress or uniform code; willful defiance; or behavior that happens off school grounds and not as part of a school-sponsored activity, unless the student has willfully caused, attempted to cause, or threatened bodily injury or emotional distress to another person.²

Beginning on the effective date of the bill, the bill also limits the duration of out-of-school suspensions for any individual incident to five consecutive days for grades K-5 and ten consecutive days for grades 6-12,³ unless the head of the Local Education Agency (LEA) provides a parent and student with a written justification. Overall, no student can be suspended out-of-school for more than twenty total days throughout the school year regardless of grade, unless the head of the LEA provides a written justification.

The bill restricts schools' use of out-of-school suspension or disciplinary unenrollment for unexcused absences or late arrivals to school, provided that a student may be unenrolled after accumulating 20 or more full days of unexcused absences.

If a student is suspended, their school must create a plan to provide continuity of education for the student.

The bill establishes quarterly reporting requirements by LEAs to the Council, including the number of students suspended by length of suspension of each incident and by cumulative days suspended, and the number of students subject to disciplinary unenrollment.

School administrators shall take special consideration regarding the use of exclusionary discipline for students with disabilities.

Requirements of the Office of the State Superintendent of Education

The Bill requires Office of the State Superintendent of Education (OSSE) to support DCPS and Public Charter Schools in implementing strategies to reduce the use of exclusionary discipline and to develop and sustain trauma-informed education settings. This support includes professional development opportunities, technical assistance, and supportive services to schools and LEAs to reduce the use of suspension and address causes of student misconduct. OSSE may provide non-instructional personnel with specialized expertise in behavioral health, trauma-informed educational settings, and restorative justice practices, through means of contract, grants to non-profits, or memorandum of understanding with the Department of Behavioral Health. The bill also requires OSSE to facilitate the offering of postsecondary degree or certificate programs in trauma-

² These restrictions do not apply to students over the age of 18 at a school where more than half of the students are over 18.

³ These limits do not apply to students over the age of 18 at a school where more than half of the students are over 18.

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informed education practices, positive behavioral interventions, implicit bias, and other related subject areas.

Within two years of the effective date of the Bill, and every five years thereafter, OSSE must submit to the Mayor and Council an evaluation of schools' implementation of practices to promote school safety and reduce the use of exclusionary discipline.

The Bill creates the School Safety and Positive Climate Fund, which will be administered by OSSE. The fund will be used to support the professional development, technical assistance, and certificate programs required by the Bill, as well as the evaluation OSSE must perform every five years. The Fund will be non-lapsing, meaning money in the Fund will not revert to the General Fund at the end of a fiscal year.

The Bill also requires OSSE to report additional data in the school discipline report it submits annually to the Mayor and Council. The additional data OSSE must collect includes: the number of exclusions of students who identify as lesbian, gay, bisexual, questioning, transgender, or gender nonconforming; whether students receiving special education services have received a functional behavioral assessment, an updated behavior improvement plan, or a manifest determination review during the school year; and information on students subject to school-based intervention, involuntary dismissals, emergency removals, disciplinary withdrawals, referral to law enforcement, or school-related arrests, among other information.

Financial Plan Impact

Funds are not sufficient in the fiscal year 2018 and proposed fiscal year 2019 through fiscal year 2022 budget and financial plan to implement the Bill. The Bill will cost approximately \$3.3 million in fiscal year 2019 and \$30.4 million over the budget and financial plan.

The Bill impacts Public Charter Schools, DCPS, and OSSE. Below we provide details of the impact on each agency. Schools' actual costs will vary depending on their current suspension practices and population of children served. Current out-of-school suspension rates range from 0 to 31 percent.⁴

DC Public Schools

DCPS will need to receive approximately \$1.2 million in fiscal year 2019 to implement the bill. DCPS will need to hire a total of 11 specialists in the areas of mental health, restorative justice, student discipline, and social emotional learning. The staff will be involved in training of teachers, other school personnel, and central office staff; the alignment of school policies and reporting with the requirements of the Bill; and consulting and implementation of behavior interventions and suspension alternatives. DCPS will also require \$40,000 for additional training. Costs from fiscal year 2020 increase to \$1.4 million since District law requires equal funding between DCPS and Public Charter Schools, and Public Charter Schools will require additional staffing beginning in fiscal year 2020 (as described below).

Public Charter Schools

Public Charter Schools will also require resources in fiscal year 2019 to prepare for the alignment of school discipline practices with the requirements of the Bill. Positive behavior intervention systems

⁴ School year 2016-2017 School Discipline report, OSSE, Appendix B.

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would cost an estimated \$600,000⁵, and based on the Uniform Per Student Funding Formula, Public Charter Schools would receive approximately \$1.04 million in total.

As the Bill's prohibitions on out-of-school suspensions are phased in, Public Charter Schools will require additional supports to effectively provide alternatives to out-of-school suspensions and improve student behavior. Beginning in fiscal year 2020 (for school year 2019-2020), Public Charter Schools will require an additional \$562,000 of funding for staffing to provide alternate education accommodations for students who would have been suspended outside of school.

This funding would pay for staff who will provide alternate accommodations to students who would have previously been suspended out-of-school but will no longer be eligible for out-of-school suspension due to the bill's restrictions. An example of an alternate accommodation is in-school-suspension. We assume a ratio of one staff member per five students. This cost will increase in fiscal year 2021 as limitations on out-of-school suspensions for high school students are phased in. Once the suspension limitations are phased in for all grades, funding will be sufficient for 12 staff members. Since each Public Charter School is independent, and can set its own policies, individual school's use of funding for the Bill might vary from what we describe above. We have also not included any cost for space requirements for alternate accommodations such as in-school suspensions⁶. Some schools may not have the flexibility to make a room available for in-school suspensions, so additional funding may be required to resolve this problem.

The Public Charter School Board, in consultation with LEAs, believes the Bill requires additional funding to lower student-staff ratios and prevent the new discipline policies from negatively affecting school climate and academic results.⁷ However, the Bill allows OSSE to provide an array of supports to LEAs to achieve the Bill's goals, and the funding available through OSSE should allow charters to access sufficient additional services, as described below.

Office of the State Superintendent of Education OSSE's costs will total about \$1.1 million in fiscal year 2019. OSSE will need two FTEs and an additional \$537,000 in non-personnel funding to conduct trainings, provide schools with technical assistance, and facilitate teacher certifications. The agency will also need one FTE to conduct the newly required evaluation and analyze additional data for the annual discipline report, as well as \$176,000 to hire a contractor for data collection.

Beginning in fiscal year 2020, LEAs will need additional supports for interventions that allow them to reduce the use of suspensions. OSSE will have flexibility in offering LEAs different types of assistance, such as providing social workers who offer prevention services to an entire student body to minimize behavior incidents or providing counseling services to specific students exhibiting behavior problems. In order to estimate the required cost for the correct level of services to improve school discipline, we have used the National Association of Social Workers recommendation of one behavioral health professional for each 50 students with intensive needs and estimated the number of those students as the students who have been suspended for an incident involving attacks, threats, or fighting. The estimated required number of new FTEs at the grades K-8 level is 43 and including

⁵ Such funding would be able to cover the estimated \$600,000 of costs for a positive behavior intervention system at \$5,000 per school, according to testimony from Maya Martin, executive director of PAVE (Parents Amplifying Voices in Education), provided in the Education Committee Report.

⁶ Nine LEAs, including DCPS, reported using in-school suspensions in school year 2016-2017, and all others report zero use.

⁷ The Public Charter School Board provided us with estimates for four of its charter networks, with costs ranging from \$573 per student to \$2,734 per student, depending on each network's needs.

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grades K-12 is 57. The total cost of OSSE funding these supports for LEAs is \$4.1 million in fiscal year 2020 to work with K-8 students, and \$5.6 million in fiscal year 2021 to work with grades K-12 students. These costs include one FTE for OSSE to implement grants or contracts.

The cost table on the following page provides the sources of cost for the Bill:

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	FY 2019	FY 2020	FY 2021	FY 2022	Total
DC Public Schools					
Additional specialists and training ⁸	\$1,187,615	\$1,223,243	\$1,259,941	\$1,297,739	\$4,968,538
Additional funding based on UPSFF ⁹	\$0	\$122,390	\$258,131	\$265,875	\$646,395
Total DCPS Costs	\$1,187,615	\$1,345,633	\$1,518,072	\$1,563,614	\$5,614,993
Public Charter Schools					
Implementation of new behavior system ¹⁰	\$600,000	\$618,000	\$636,540	\$655,636	\$2,510,176
Alternate education accommodations ¹¹	\$0	\$562,380	\$695,102	\$715,955	\$1,973,436
Additional funding based on UPSFF ¹²	\$441,768	\$0	\$0	\$0	\$441,768
Total Charter Costs	\$1,041,768	\$1,180,380	\$1,331,642	\$1,371,591	\$4,925,380
Office of the State Superintendent of Education					
Training and technical assistance (2 FTEs)	\$231,685	\$238,636	\$245,795	\$253,169	\$969,285
Training and technical assistance (non-personnel costs)	\$537,000	\$553,110	\$569,703	\$586,794	\$2,246,608
Evaluation and data analysis (1 FTE)	\$115,843	\$119,318	\$122,897	\$126,584	\$484,642
Data collection (contractor)	\$175,875	\$180,250	\$185,658	\$191,227	\$732,135
School supports (including 1 FTE to administer) ¹³	\$0	\$4,105,418	\$5,565,314	\$5,732,274	\$15,403,006
Total OSSE Costs	\$1,059,528	\$5,196,732	\$6,689,368	\$6,890,049	\$19,835,676
TOTAL COSTS	\$3,288,910	\$7,722,745	\$9,539,081	\$9,825,253	\$30,375,989

⁸ Includes 11 FTEs and \$40,000 of training.

⁹ Per ratio of DCPS to Public Charter Schools funding in proposed fiscal year 2019 budget.

¹⁰ Programmatic support equivalent to \$5,000 per school.

¹¹ Additional staffing for in-school suspensions, at a rate of one teacher per five students currently suspended out-of-school and assuming an average suspension length of three days. Pertains to all grades K-8 out-of-school suspensions prohibited under the bill beginning school year 2019-2020, and all grades 9-12 out-of-school suspensions prohibited under the bill beginning school year 2020-2021.

¹² Per ratio of DCPS to Public Charter Schools funding in proposed fiscal year 2019 budget.

¹³ Cost sufficient to provide one behavioral health professional for every 50 students suspended for attacks, threats or fighting; for grades K-8 in fiscal year 2020 and all grades thereafter (57 FTEs total). Actual use of funds will be at the discretion of OSSE.